

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	: : : : : : : : : :	Civil Action No. 3:16-md-2738-FLW- LHG MDL No. 2738
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**FIRST AMENDED CASE MANAGEMENT ORDER NO. 3
(Filing of Short Form Complaints)**

IT IS HEREBY ORDERED, with consent of all Parties, that the following process be followed for filing Short Form Complaints and responsive pleadings in this multidistrict litigation:¹

Cases Currently Pending in MDL No. 2738

1. For all complaints currently pending in this multidistrict litigation (with the exception of the cases in which there is a Motion to Remand pending), Plaintiffs shall file a Short Form Complaint in the format set forth in Exhibit I to the Direct Filing Order (CMO No. 2) within thirty (30) days of the date of this Order.

2. For those cases in which there is a Motion to Remand pending, Plaintiffs shall not be required to file a Short Form Complaint until the motion has been decided. If the Motion to Remand is denied, Plaintiffs shall file a Short Form Complaint in the

¹ This First Amended Case Management Order No. 3, which is consented to by all parties, replaces the original Case Management Order No. 3, which was entered on March 28, 2017.

format set forth in Exhibit 1 to the Direct Filing Order for each individual Plaintiff within thirty (30) days from the date of the order denying the Motion to Remand.

3. For all complaints currently pending in this multidistrict litigation for which original service of process was proper, Plaintiffs shall file the Short Form Complaint electronically in the individual case docket and the ECF notice shall constitute service.

4. If the original complaint pending in this multidistrict litigation had not been properly served on Defendants as of the entry date of this Order, within ten days or within the time remaining under FED. R. Civ. P. 4(m), whichever is greater, Plaintiffs may serve Defendants as follows:

Johnson & Johnson. Defendant Johnson & Johnson may be served with the Short Form Complaint in the *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation* only via first class, certified, or overnight mail at:

**Law Department
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933**

By agreeing to accept service via first class, certified, or overnight mail at this address, Johnson & Johnson does not waive any defenses available to it.

Johnson & Johnson Consumer Inc. Defendant Johnson & Johnson Consumer Inc. may be served with the Short Form Complaint in the *re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation* only via first class, certified, or overnight mail:

**Law Department
Johnson & Johnson Consumer, Inc.
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933**

By agreeing to accept service via first class, certified, or overnight mail at this address, Johnson & Johnson Consumer Inc. does not waive any defenses available to it.

Imerys Talc America, Inc. Subject to the following conditions, Defendant Imerys Talc America Inc. agrees to waive formal service of process in cases directly filed in in the District of New Jersey pursuant to the Direct Filing Order. Defendant Imerys Talc America Inc. does not waive any defenses available to them by waiving service of process.

For cases filed pursuant to the Direct Filing Order, service shall be deemed perfected upon Imerys Talc America Inc., when Plaintiffs provide Notice of filing of the Short Form Complaint along with the Short Form Complaint itself by email to:

**MDLImerysComplaints@gordonrees.com
and
talccomplaints@coughlinduffy.com**

Service will be effective if accomplished as set forth above, or if accomplished pursuant to FED. R. Civ. P. 4. as to Defendant Imerys Talc America, only.

Personal Care Products Council (“PCPC”). PCPC agrees to waive formal service of process in cases directly filed in the District of New Jersey pursuant to the Direct Filing Order. PCPC does not waive any defenses available to it by accepting alternative service. Service shall be deemed perfected upon PCPC when Plaintiffs provide Notice of filing of the Short Form Complaint along with the Short Form Complaint by email to PCPC's counsel:

Thomas T. Locke: tlocke@seyfarth.com

and

Patricia Casamento: pcasamento@bmctwlaw.com

In such instances, Plaintiff shall not need to serve the original complaint that was pending in this multidistrict litigation. The Short Form Complaint shall replace the original complaint that was pending in this multidistrict litigation.

Cases Transferred to MDL No. 2738

5. For any case that is transferred to this Court pursuant to the Rules of the Judicial Panel on Multidistrict Litigation after the date of this Order (with the exception of the cases in which there is a Motion to Remand pending), a Short Form Complaint in the format set forth in Exhibit 1 to the Direct Filing Order shall be filed and properly served pursuant to paragraph 4, above, within thirty (30) days of the date of transfer to this Court. To the extent the original complaint that was pending in the case prior to the transfer of the case to this multidistrict litigation proceeding had been

properly served on the Defendant(s) in the case, Plaintiffs shall serve the Short Form Complaint pursuant to paragraph 3, above.

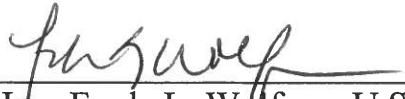
6. For those cases transferred to the MDL in which there is a Motion to Remand pending, Plaintiffs shall not be required to file a Short Form Complaint until the motion has been decided. If the Motion to Remand is denied, Plaintiffs shall file a Short Form Complaint, in the format set forth in Exhibit 1 to the Direct Filing Order, for each individual Plaintiff within thirty (30) days from the date of the order denying the Motion to Remand.

7. If the original complaint that was filed prior to the transfer of the case to this multidistrict litigation had not been properly served on Defendants, and it remains not properly served as of the entry date of this Order, within ten days or within the time remaining under FED. R. Civ. P. 4(m), whichever is greater, Plaintiffs shall serve Defendants with the Short Form Complaint pursuant to paragraph 4, above, and Plaintiff shall not need to serve the original complaint that was pending in the case prior to its transfer to this multidistrict litigation. The Short Form Complaint shall replace the original complaint that was pending.

Directly Filed Cases

8. For all cases that are filed directly in the District of New Jersey pursuant to the Direct Filing Order, Plaintiffs shall file a Short Form Complaint in the format set forth in Exhibit 1 to the Direct Filing Order. Short Form Complaints filed pursuant to the Direct Filing Order shall be served pursuant to paragraph 4, above.

This the 12th day of October, 2018.



Hon. Freda L. Wolfson, U.S.D.J.